

No. 448-AR

ADMINISTRATIVE
REGULATION

TURKEYFOOT VALLEY AREA
SCHOOL DISTRICT

SEXUAL HARASSMENT

EMPLOYEES

Unwelcomed sexual advances, unwelcomed sexual requests or unwelcomed conduct of a sexual nature constitute sexual harassment when:

- Submission to such is made, either explicitly or implicitly, a term or condition of employment; or
- Submission to or rejection of such conduct is used as a basis for future employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with one's performance or creating an intimidating, hostile or offensive work environment.

Turkeyfoot Valley Area School District has developed the following system to address, investigate and resolve complaints involving sexual harassment of employees:

Step 1

1. Any employee who believes that s/he has been subjected to sexual harassment shall report all incidents of such conduct verbally to the principal within fifteen (15) days of the occurrence of the incident.
2. The principal will investigate the complaint. The investigation may include an interview with both parties to provide complainant and accused with the opportunity to discuss charges made and to explore and evaluate complaints. It is the responsibility of the principal to provide oral remedies acceptable to both parties, if possible. The Administrative Assistant for Personnel will attempt to remedy the situation by reaching mutual agreement. There shall be a written record that a meeting took place, the subject of the meeting and who was present.

Step 2

1. If the complainant is not resolved to the satisfaction of both parties at Step 1, the complainant and the accused will each submit a detailed written statement of account to the principal. Upon receiving such a written statement, the principal will inform both

parties of the administrative conference. Such notice shall be made to each employee at least three (3) working days before the date of the conference. The notice shall include the place and time of the conference and the subject of the conference. During such an administrative conference, the complainant and the accused will have the right to be represented by counsel of their choice, at their expense.

2. Should the Principal be the complainant or the accused, the Superintendent or his/her designee shall conduct the conference.
3. a. Should the administrative conference be resolved in favor of the accused, no further action will be necessary except that the charges and resolution may be placed in the accused and accuser's personnel files, if the accused so requests; otherwise, the charges and the transcript will be sealed and impounded. Release from impounding may be made only upon action of the Superintendent or his/her designee or a court order.

b. If the conference is resolved against the accused, the appropriate disciplinary action will follow.
4. a. Both parties shall receive written notice of the decision rendered within ten (10) working days of the administrative conference.

b. If the accused employee so requests, or if the principal determines that an accused employee should be recommended for demotion or dismissal, or that the employee should be suspended without pay, then a hearing shall be scheduled before the Board no later than the next regularly scheduled meeting, provided that the scheduling protects the employee's right to notification.

c. Any recommendations for demotion or dismissal of the accused, together with a detailed statement of charges on which the proposed demotion or dismissal is based, shall be given to the employee and shall be presented to the Board in writing.

Step 3

Board hearings will be conducted according to the following procedure:

1. It is understood this is a new hearing.
2. Board hearings for employees will be conducted in public session, unless the employee requests a private hearing. The employee will have the same rights as for administrative conferences including the right to a notification period of ten (10) working days.
3. Any disciplinary action taken will be appropriate to the infraction involved and will include the right of the employee to reply, in writing, to any charges or discipline taken against him/her, and to include such reply in his/her personnel file.

4. If an employee chooses to resign as a result of charges made against him/her at any stage in the above procedure, the written documentation of charges made against the employee will be sealed and impounded, and acceptance of the resignation will be recommended to the Board without prejudice. Such resignation must be submitted prior to a final decision by the Board. It must also state that the resignation is voluntary, constitutes a waiver and release of all claims and is submitted in a form acceptable to the Turkeyfoot Valley Area School District.
5. If there is a subsequent request for references or recommendations for prospective employers, the reference will be limited to a statement that the person was employed by the Turkeyfoot Valley Area School District, the duration of employment, a description of the assigned duties and a statement that the person resigned voluntarily.
6. If the resigned employee files a claim for unemployment compensation benefits, the sealed charges will be opened to allow the district to contest the unemployment claim.
7. If at any time an employee files a claim with any governmental agency on this situation, s/he then waives whatever rights s/he has under this policy.
8. The procedures contained in this policy are not intended to supersede or circumvent any procedures outlined in the School Code for determination of competence or any procedures for redress of grievances outlined in collective bargaining agreements made with the Board.
9. These provisions shall not be construed to supersede any section(s) of the School Code of Pennsylvania or any state or Federal laws regarding discipline or separation of employees; nor shall these guidelines in any way be construed so as to limit the intent of other Board policies.

A person hired to fill a position created as a result of staff discipline procedures will be considered a substitute employee until such time as the disciplinary procedures are completely resolved.

Adopted: 5/20/2013